



# SECURITY COUNCIL RESOLUTION 1325:

## Civil Society Monitoring Report 2014



Belgrade  
Centre for  
Security  
Policy



**GNWP**

The Global Network of Women Peacebuilders

Afghanistan, Azerbaijan, Burundi, Canada, Columbia, Demcratic Republic of Congo, Fiji, India, Kenya, Libya, Iraq, Nepal, Netherlands, Philippines, **Serbia**, Sierra Leone, Southi Sudan, Sri Lanka, Sweden and Uganda





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Report 2014



## **2014 Civil Society Monitoring Country Report for the Republic of Serbia**

**Country:** *The Republic of Serbia*

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## List of acronyms

<b>BCSP</b>	Belgrade Center for Security Policy
<b>BIA</b>	Intelligence Agency
<b>CSO</b>	Civil Society Organization
<b>FRY</b>	Federal Republic of Yugoslavia
<b>ECHR</b>	European Convention on Human Rights
<b>EU</b>	European Union
<b>ICTY</b>	International Criminal Tribunal for the former Yugoslavia
<b>IDPs</b>	Internally Displaced Persons
<b>LGBT</b>	Lesbian, Gay, Bisexual, and Transgender
<b>MP</b>	Member of Parliament
<b>MSCB</b>	Multi-Sector Coordination Body
<b>NAP</b>	National Action Plan
<b>NATO</b>	North Atlantic Treaty Organization
<b>NGO</b>	Non-governmental Organization
<b>SAA</b>	Stabilization and Association Agreement
<b>SFRY</b>	Socialist Federative Republic of Yugoslavia
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SNS</b>	Serbian Progressive Party (Srpska Napredna Stranka)
<b>TRC</b>	Truth and Reconciliation Commission
<b>UN</b>	United Nations
<b>UNSCR</b>	United Nations Security Council Resolution
<b>WPS</b>	Women, Peace and Security



# Women, peace and security profile

## A. Nature of the conflict

The origins and causes of the ethnic, political, and religious conflicts in the Former Yugoslavia (1991-1999) lie in the national and political agendas of the political leaders in Croatia, Bosnia and Herzegovina (BiH), and especially in Serbia. The wars went beyond ethnic and national animosities and led to conflicting claims to territory. The situation was further complicated by confusion as to who had the right to self-determination: the Former Yugoslav Republics or the nations of the Former Yugoslavia. There is a variety of conflicting opinions about the causes of disintegration of the Socialist Federal Republic of Yugoslavia (SFRY). For the purposes of this report, it is enough to say that the causes were extremely complex, and that ethnic, national, and political contexts and agendas all contributed to the outbreak of the wars.

Often described as Europe's deadliest conflict since World War II, the wars have become infamous for the war crimes involved, including ethnic cleansing, crimes against humanity and rape. Sexual violence in particular was widespread and perpetrated by all parties of the conflict. According to Annex IX of the Final Report of the UN Commission of Experts (known as the Bassiouni commission), drafted on 28 December 1994, "there [were] about 162 detention sites in the former Yugoslavia where people were detained and sexually assaulted: 88 of those [were] reportedly run by Serbs; 35 [were] run by unknown forces; 17 [were] allegedly run by Croats; 14 [were] allegedly run by Muslim and Croat forces together, and 8 [were] reportedly run by Muslims."<sup>1</sup> The wars in the Former Yugoslavia were the first conflicts since World War II to be formally recognized as genocidal in character, and many key individual participants were subsequently charged with war crimes. In 1993, the United Nations (UN) established the International Criminal Tribunal for the former Yugoslavia (ICTY) to prosecute these crimes.

The consequences of the wars were enormous. All the states that emerged as a result of the break-up of Yugoslavia, with the exception of Slovenia, have been severely set back in economic and social terms. The war perverted the course of economic restructuring and transition to the market economy. Moreover, it led to widespread criminalization of the economy, as large parts of the population who lived below the poverty line were forced to turn to work in the black market. However, the most important consequence of the wars was their human cost. According to the International Center for Transitional Justice, the Yugoslav Wars resulted in death of 140,000 people, which in turn has led to severe social and psychological problems.<sup>2</sup>

The aftermath of the conflict is still present in Serbia's politics due to several phenomena: first, many of the parties and people who were involved in the conflict were granted amnesty and are still in power; second, the growing popularity of the Serbian Progressive Party (SNS) brings back conservatism and nationalism to Serbia's political scene; third, Serbia's foreign affairs and the European Union's (EU) accession are dependent on its accepting of Kosovo's independence; and finally, human rights are still being violated.

1 United Nations Security Council, *Annexes to the Final Report of the Commission of Experts Established pursuant to the Security Council Resolution 780. Volume V: Annexes IX – XII., S/1994/674/Add.2 (Vol.V)*, (New York: United Nations, December 28, 2014), accessed November 18, 2014, [http://www.law.depaul.edu/centers\\_institutes/ihrli/downloads/ANNEX\\_IX.pdf](http://www.law.depaul.edu/centers_institutes/ihrli/downloads/ANNEX_IX.pdf).

2 International Center for Transitional Justice, *Transitional Justice in the Former Yugoslavia, January 1, 2009*, accessed July 30, 2014, <http://ictj.org/publication/transitional-justice-former-yugoslavia>.

The political parties, which in March 2014 formed the new Serbian government, led by the Serbian Progressive Party (SNS), were the ones involved in the conflict in the 1990s (a similar government was also elected in 2012). The early election in 2014 was called as a result of tensions within the ruling coalition, and the SNS's desire to remain in power. The success of the SNS and their coalition partners resulted in the return to the scene of the conservative forces characterized by nationalism, populism and a close relationship with organizations on the extreme right.

The consequences of the conflict also affect Serbia's foreign affairs. The Republic of Serbia made progress in the EU's accession process in 2013. The Stabilization and Association Agreement (SAA) between the EU and Serbia came into force in September 2013, after all EU member states ratified it, and the association process turned into the accession process. Normalization of relations with Kosovo was one of the key requirements for the opening of the accession talks with Serbia, and it will be one of the key criteria against which Serbia's EU progress will be measured.<sup>3</sup> Women's peace organizations were not at the table in the negotiations between Serbia and Kosovo that was initiated and monitored by the EU. To the best of Women in Black's knowledge, women's organizations were not consulted and Resolution 1325 was not on the list of the issues discussed in the negotiations, despite the fact that Serbia is implementing its National Action Plan (NAP) for the implementation of the United Nations Security Council Resolution 1325 (UNSCR).<sup>4</sup>

The status of human rights and human rights' defenders has not significantly improved since 2013. There have been incidents of assault, particularly on female human rights defenders. The activists of Women in Black were attacked several times in the last two years. The most recent incident took place in July 2014 in Valjevo, Central Serbia, during a peace march to commemorate the events in Srebrenica, Bosnia-Herzegovina. Activists lobbying for, and protecting lesbian, gay, bisexual, and transgender (LGBT) rights have been threatened as well.<sup>5</sup> There is a record of the state's lack of reaction to the actions by the organizations on the extreme right. Who started public lynchings and created a "black lists" of "disobedient" CSOs, human rights defenders and media in Serbia.<sup>6</sup> The state authorities, for the fourth time, prohibited the Pride Parade in 2013, because of the threats against its organizers and participants.<sup>7</sup> Also, a number of incidents demonstrating a high degree of inter-ethnic intolerance and ethnically based violence occurred in 2013, in Temerin, Bečej and Novi Sad, among other places.<sup>8</sup> In June 2013, the Law on Responsibility for Human Rights Violations (The Lustration Law), adopted in 2003, expired. However, due to the lack of political will, it has not been implemented, and many representatives of the past Milosevic's regime have been granted amnesty for serious human rights violations.

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3 Belgrade Centre for Human Rights, *Human Rights in Serbia – A Comprehensive Report for 2013*, (Belgrade: Belgrade Center for Human Rights, 2014), 21, accessed December 9, 2014, <http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2014/04/Human-Rights-in-Serbia-2013.pdf>.

4 ASTRA, Voice of Difference, Women in Black, Labris and Autonomous Women's Center, *Shadow over Serbia - NGO Report for the 55th CEDAW Committee Session 2013*, Autonomous Women's Center, (Belgrade, 2014), 50.

5 Belgrade Centre for Human Rights, *Human Rights in Serbia – A Comprehensive Report for 2013*, 51.

6 Diana Miladinovic, Women in Black, *Independent monitoring of the Resolution 1325 in Serbia*, (Belgrade, 2013), 251, accessed July 30, 2014, [http://zeneucnom.org/images/pdf/independent\\_monitoring\\_of\\_the\\_implementation\\_of\\_resolution1325\\_in\\_serbia2013.pdf](http://zeneucnom.org/images/pdf/independent_monitoring_of_the_implementation_of_resolution1325_in_serbia2013.pdf).

7 Belgrade Centre for Human Rights, *Human Rights in Serbia – A Comprehensive Report for 2013*, 65.

8 Ibid, 60.



## B. Impact of conflict on women

Women and women's organizations played an important role as peacebuilders during and after the war. At the time when the war started in 1991, the first anti-war actions and protests organized by CSOs also begun. Most of the prominent women's peace groups and women's organizations from the Former Yugoslavia were established at the beginning of 1990s. They include: Women in Black network, self-support groups for displaced and refugee women, groups opposing violence against women, women's studies programs, etc.

Women's groups initiated a dialogue between CSOs in Serbia, Croatia and BiH, who had difficulties in communication or had no communication at all. That was one of the most important tasks undertaken by peace and women's groups at the time. By promoting the values of non-violence and the protection of women's rights, they built networks of women and women's groups across borders and despite the terrors of wars, thereby establishing the foundations for peace.

Women were also victims of the war, and especially of sexual violence that was widespread. The impact of the wars in the Former Yugoslavia, particularly on women's lives, has not been fully assessed even today. There is no official data on the number of women participating in rehabilitation and reintegration programs (as ex-combatants, or family members of ex-combatants); on the status and the needs of female refugees and internally displaced persons (IDPs); or on the number and status of women victims of sexual and gender-based violence and other war crimes committed against women in the region of the Former Yugoslavia. Women in Black sent an official letter to the government of the Republic of Serbia, raising questions on these issues on the 10th Anniversary of Resolution 1325 on October 31<sup>st</sup> 2010; however, there has been no response.

According to Roy Gutman, it is estimated that 20,000 – 50,000 women were raped during the war in Bosnia and Herzegovina.<sup>9</sup> The last report of the Human Rights Commissioner of the Council of Europe (2012) estimated that 20,000 women are claiming reparations from their states, including rehabilitation for women survivors of sexual violence.<sup>10</sup>

The impact of the war in Former Yugoslavia is still visible and perpetuates all kinds of violence. Many people, especially former soldiers and war victims, still suffer from war trauma. In many cases, the family also suffers from the effects of these traumas, which bring about difficulties in marital and family relations and increase the risk of domestic violence.<sup>11</sup>

Additionally, the heritage of war in Former Yugoslavia has affected the prevalence of weapon ownership in the region.<sup>12</sup> The fact that many households possess weapons is problematic, because it threatens the security and stability of the communities and increases the rates of violence, including violence against women.

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9 Angela J. Edman, American University Washington College of Law, "Crimes of Sexual Violence in the War Crimes Chamber of the State Court of Bosnia and Herzegovina: Successes and Challenges," *Human Rights Brief* 16, no.1 (2008): 1, accessed July 30, 2014, <http://www.wcl.american.edu/hrbrief/16/1edman.pdf>.

10 Council of Europe, Commissioner for Human Rights, *Post-war Justice and Lasting Peace in Former Yugoslavia*, (Strasbourg: Counsel of Europe Publishing, February 2012), 6 -7, accessed July 30, 2014, [http://www.coe.int/t/commissioner/source/prems/Prem45112\\_SER\\_1700\\_PostwarJustice.pdf](http://www.coe.int/t/commissioner/source/prems/Prem45112_SER_1700_PostwarJustice.pdf).

11 SEESAC, *Firearms Possession and Domestic Violence in the Western Balkans: A Comparative Study of Legislation and Implementation Mechanisms*, (Belgrade: SEESAC, 2007), accessed December 16, 2014, <http://www.seesac.org/res/files/publication/846.pdf>.

12 Miladinovic, Women in Black, *Independent monitoring of the Resolution 1325 in Serbia*, 130.

## C. Relevant legal and policy framework

The Republic of Serbia has ratified the most important international women's rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (ratified in 1981),<sup>13</sup> and its Optional Protocol (ratified in 2002).<sup>14</sup> The Republic of Serbia is also committed to the Beijing Declaration and Platform for Action (1995); the UN Declaration against Violence against Women (A/Res/48/104); UN Millennium Declaration (2000); UNSCR 1325 (2000); UNSCR 1820 (2008); UNSCR 1888 (2009); and UNSCR 1889 (2009).

In 2010, Serbia adopted the National Action Plan (NAP) for Implementing UNSCR 1325. However, in the four years since its adoption, the NAP implementation has dawdled, mostly due to election campaigns in 2012 and 2014, and lack of government funds.

When it became a member of the Council of Europe in 2003, Serbia also ratified the European Convention on Human Rights (ECHR) and its 14 Protocols; Recommendation 1450 (2000) of the Council of Europe's Parliamentary Assembly on Violence Against Women in Europe; and signed Recommendation Rec. (2005) 5 of the Committee of Ministers of member states on Violence Against Women; and the Memorandum from 2002 with explanations from the Council of Europe. The latest international treaty, which Serbia ratified at the end of 2013, is the Council of Europe Convention on Violence Against Women (The Istanbul Convention), which closes the gap in the protection of fundamental women human rights of women, by requiring state parties to prevent violence, protect its victims, prosecute the perpetrators, and to co-ordinate any such measures through comprehensive policies.

Regarding relevant national legislation, Serbia has adopted several national gender-responsive laws and bylaws: the Constitution of the Republic of Serbia (2006); the Criminal Code (2005); the Family Law (2005); the Gender Equality Law (2009); the Anti-Discrimination Law (2009); the National Strategy for the Improvement of the Status of Women and Promotion of Gender Equality (2010-2015); the National Strategy for the Prevention and Suppression of Family and Intimate Partner Violence against Women (2010 – 2015); and the Strategy for Protection against Domestic Violence and Other Forms of Gender Based Violence in the Autonomous Province of Vojvodina (2008-2012).

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13 Official Journal of SFRY – International Treaties, No. 11/81.

14 Official Journal of SFRY – International Treaties, No. 13/02.

# Data presentation and analysis

## A. Participation

### Indicator 1 – Index of women’s participation in governance

Table 1.1: Women’s participation in governance in 2014

	Number of women	Number of men	Percent of women
<b>National government (total)</b>			
<b>Executive<sup>1</sup></b>			
	4	15	21.05%
<b>Legislative</b>			
Members of Parliament	84	165	33.73%
Speaker of Parliament	1	0	100%
Deputy Speaker	1	6	14.28%
Secretary General	1	0	100%
Head of Defense and Internal Affairs Committee	1	0	100%
Head of Defense and Internal Affairs Committee	1	0	100%
Head of Committee on Education, Science, Technological Development and the Information Society	1	0	100%
Head of Children Rights Committee	1	0	100%
Head of Foreign Affairs Committee	1	0	100%
Head of Health and Family Committee	1	0	100%
Head of Committee on the Economy, Regional Development, Trade, Tourism and Energy	1	0	100%
Head of Committee on Labor, Social Issues, Social Inclusion and Poverty Reduction	1	0	100%

Source: *The Members of the Government of Republic of Serbia*;<sup>15</sup> *Gender structure of Serbian Parliament*.<sup>16</sup>

<sup>1</sup> Women-held positions within the executive branch include the Deputy PM and Minister of Regional Development and Self-government, Deputy PM and Minister of Construction, Traffic and Infrastructure, Minister of Agriculture and Environmental Protection, and Minister of EU Integration.

<sup>15</sup> Government of the Republic of Serbia, *The Members of the Government of Republic of Serbia*, accessed December 16, 2014, <http://www.srbija.gov.rs/vlada/sastav.php>.

<sup>16</sup> National Assembly of the Republic of Serbia, *Gender Structure of Serbian Parliament*, accessed December 16, 2014, <http://www.parlament.gov.rs/national-assembly/national-assembly-in-numbers/gender-structure.1745.html>.

**Table 1.2: Share of women's participation in governance from 2012-2014**

	2014	2013	2012-2013	2008-2012
Women	4	2	5	5
Men	15	17	14	22
Total	19	19	19	27

### Executive branch

The current government is composed of fewer women than in the previous one. After the reconstruction of the Government in 2013, only two women kept their ministerial seats (Minister of Health and Minister of Energy). The women, who were left out had been occupying the posts of Deputy Prime Ministers in charge of EU integration, Minister of Regional Development and Minister of Sports and Youth.

Although government officials are declaratively in favor of gender mainstreaming in public administration, and officially supported gender equality, women make up less than 30 percent of the new government, established after the parliamentary elections in March 2014. Women CSOs launched an initiative in order to pressure the government and ensure the minimum of 30 percent of women in the government. Although this initiative was widely supported by civil society representatives and international organizations, it did not result in adequate representation of women among ministers.<sup>17</sup>

### Legislative branch

In the past few years, the number of women in Serbia's politics has increased. The figures indicate that the percentage of women in the Parliament increased significantly after the elections in March 2014, and currently women constitute 33.7 percent of the National Assembly. This represents an increase of 11.2 percent in comparison to the composition of the Parliament in 2008.<sup>18</sup> The main reason for this change is the pre-election promise of the current dominant party in the Parliament, (the Serbian Progressive Party), to increase the number of women in politics. During more than two decades of a multi-party system in the National Assembly (since 1991), three women have held the position of the Speaker of the Parliament – Natasa Micic (2001-2004), Slavica Djukic Dejanovic (2008-2012), and the current Speaker of the Parliament Maja Gojkovic (2014-).

To ensure women's meaningful participation in decision-making process, a minimum of 30 percent of women in politics is necessary; however, numbers do not guarantee impact. What is important to substantially influence decision-making is for women in Parliament to overcome political interests and to join voices in lobbying for an improvement of the position of women in Serbia and in Serbian politics. To this effect, for the first time in parliamentary history in Serbia, all women Members of Parliament (MPs) in the National Assembly gathered and formed Women's Parliamentary Network in February 2013. The Women's Parliamentary Network is expected to deal with "women's issues" (i.e. to fight for the rights of women in the areas of health, education, economic empowerment, and, especially, violence against women).

17 Centre for Modern Skills. "Equal in Government." April 15, 2014. Accessed December 16, 2014. <http://www.cmv.org.rs/vesti/ravnopravno-u-vladi-2/>; The Petition, "The Initiative for the Equal Participation of Women in Government," accessed December 16, 2014, [http://www.peticije24.com/signatures/inicijativa\\_30\\_ena\\_u\\_vlasinicijativa\\_zaravnopravno\\_uee\\_u\\_vlas/](http://www.peticije24.com/signatures/inicijativa_30_ena_u_vlasinicijativa_zaravnopravno_uee_u_vlas/).

18 The Parliamentary Constitution 2008-2012: Share of women was 22.4 percent and men 77.6 percent. Please see, Otvoreni Parlament, accessed December 16, 2014, <http://www.otvoreniparlament.rs/statistika-i-zanimljivosti/rodna-zastupljenost-2008-2012/>.

Women in politics continue to be less involved in other segments of the decision-making that are critically important to the life of the citizens, such as: security, finance, and other areas. Women are less represented in committees such as the Defense and Internal Affairs Committee, Committee on Kosovo-Metohija, Committee on Finance, State Budget and Control of Public Spending, and they are not at all represented in the Security Service Control Committee (i.e. Serbian Intelligence), and similar bodies. Women in politics seem to be relegated to deal with “women’s issues” and are thus excluded from some other vital areas of decision-making. Furthermore, they are less likely to hold leadership roles and are less represented among presidents of parliamentary committees and groups. Most of women do not occupy high positions within political parties.

Women are less represented in political parties. Lower percentage of women in dominant parties decreases the likelihood of their representation in the government. Moreover, it can be read as a sign of lack of commitment of the leading parties in Serbian politics to include women in decision-making. Therefore, measures encouraging political parties to include more women could be beneficial for women’s participation in politics more generally.

**Table 1.3: Women’s participation in parliamentary groups/parties**

Parliamentary Group	Number of MPs (in total)	Number of women	% of women
Serbian Progressive Party	136	44	32.35%
Socialist Party of Serbia	25	7	28%
Democratic Party	17	7	41.18%
The New Democratic Party, together with Serbia, Serbian Green	12	3	25%
Party of United Pensioners of Serbia	12	5	41.67%
Social Democratic Party of Serbia	10	4	40%
United Serbia Parliamentary Group	7	2	28.57%
Parliamentary Group LSV	6	2	33.33%
Parliamentary group of the Alliance of Vojvodina Hungarians	6	2	33.33%
New Serbia	6	2	33.33%
Serbian Renewal Movement - Christian Democratic Party of Serbia	6	2	33.33%
SDA Sandzak – PDD	5	1	20%
Deputies who are not members of the parliamentary group	2	0	0

Source: The website of the National Assembly of the Republic of Serbia<sup>19</sup>

The following women in Parliament are members of the Commission for Monitoring the Execution of the National Action Plan for the Implementation of United Nations Security Council Resolution 1325 - Women, Peace and Security in the Republic of Serbia (2010-2015):

1. Ljiljana Malusic, MP, representative of the National Assembly’s Committee on Human and Minority Rights and Gender Equality,
2. Marija Obradovic, MP, representative of the National Assembly’s Defense and Internal Affairs Committee,

<sup>19</sup> The website of the National Assembly of the Republic of Serbia, accessed November 30, 2014, <http://www.parlament.gov.rs/national-assembly/composition/parliamentary-groups.498.html>.

3. Zlata Djerić, MP, representative of the National Assembly's Foreign Affairs Committee,
4. Milanka Jevtović Vukojčić, MP, representative of the National Assembly's Committee on Labor, Social Issues, Social Inclusion and Poverty Reduction,
5. Biljana Ilić Stosić, MP, representative of the National Assembly's Committee on the Judiciary, Public Administration and Local Self-Government and
6. Kosana Beker, Deputy to Commissioner for Protection of the Equality.

Overall, women's participation in the executive branch is decreasing, while in the legislative branch is increasing compared to previous years and election cycles. A common feature of women's participation in both branches is that in practice women do not have influence on decision making, due to strict party control and centralized decision-making process within the parties and in the government. The nature of political parties in Serbia, as well as the traditional views on women as subordinate to men, expects for female MPs to not make decisions independently, but to follow the orders from party leaders, who are usually male. Moreover, due to the party-centric nature of Serbian politics, female politicians often put party interests before those of women.

The greatest challenges to women's full participation in politics include: lack of education; lack of leadership experience among women; and negative stereotypes about the role of women in society. Lack of education and experience affects women's confidence and their willingness to get involved in politics. The traditional view that the role of women is mostly connected to the private sphere and consists in taking care of children and other members of the family, affects the way in which the society, as well as the other politicians, perceives women. Consequently, female politicians are expected to follow strict party-guidelines, and are only assigned to so-called "women's issues." Women are not included in decision-making in traditionally "male" domains, such as security or finance. Moreover, women are not given leadership roles. Even though the representation of women (considered in numbers) increases, these factors preclude it from being influential.

### **RATING: Moderate progress**

#### **Indicator 2 – Percentage of women in peace negotiating teams and detailed breakdown of gender issues addressed in peace agreements**

Despite the fact that women were very active in peace protests against the war in the former Yugoslavia, and very connected throughout the region, coordinating peace protests in all republics (Croatia, Bosnia and Herzegovina, Serbia, Montenegro, Macedonia, Slovenia and Kosovo), and helping refugees from all sides, they were not included in the official peace negotiations and technical agreements that brought peace to the region.

None of the peace processes and negotiations of the agreements after the signing of the Dayton Peace Accords in 1995 included women as mediators, negotiators, technical experts, or observers.<sup>20</sup> None of the agreements reached after 1995 included any provisions related to gender issues, or specific support provided to women survivors of the conflict. All signatories of the agreements reached after 1995 are men.<sup>21</sup>

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<sup>20</sup> The Dayton Peace Accords, accessed June 15, 2014, <http://www1.umn.edu/humanrts/icty/dayton/daytonaccord.html>.

<sup>21</sup> Global Network of Women Peacebuilders, *Women Count - Security Council Resolution 1325: Civil Society Monitoring Report 2013* (New York: GNWP, 2013) 283, accessed June 15, 2014, [http://issuu.com/suba\\_gnwp/docs/women\\_count\\_civil\\_society\\_monitorin/3?e=8954983/7339869](http://issuu.com/suba_gnwp/docs/women_count_civil_society_monitorin/3?e=8954983/7339869).



According to the information from the media, the latest agreement reached between Serbia and Kosovo in 2013, known as the Brussels Agreement, did not include women in the process.<sup>22</sup> Despite the fact that the Serbian NAP for the implementation of UNSCR 1325 (2010) contains a provision for “ensuring participation of at least 30 percent of women in negotiating teams and multinational operations.”<sup>23</sup> The agreement consists of 15 points addressing the problems related to the rights of the Serbian majority in North Kosovo (North Kosovska Mitrovica).<sup>24</sup> None of the 15 points refer to women specifically.<sup>25</sup> The plan to implement the Agreement was put in place in May 2013.

Implementation of the Brussels Agreement for Serbia is one of the key points in the process of Serbia’s integration into the EU, and the present screening of the chapters of the *EU acquis*.<sup>26</sup> More information on the implementation of the agreement will be available in January, when Chapter 24 of the *EU acquis*, on *Justice, freedom and security*, will be opened for Serbia. Involvement of women’s organizations in the process of following the screenings is therefore crucial.

We have to emphasize that there is still **no official data or answer from the institutions** on the structure of the negotiation team, the representation and role of women in the negotiation team, the number of consultations with women’s organizations in the process, and whether the agreement referred to gender issues. The Office of the Prime Minister did not answer to our request for obtaining the information of public importance on negotiations in 2014, same as in previous years.

Despite the fact that negotiations were monitored and mediated by the EU, and that EU policy contains provisions such as “promoting the role of women as actors in peacebuilding through their participation in peace negotiations” and “holding regular meetings with local and international women’s organizations in order to identify issues of concern,” participation of Kosovo and Serbian women in the negotiations was still not requested by the EU.<sup>27</sup> The EU policies that contain such provisions on the implementation of the UNSCR 1325 and 1820, specifically participation of women’s organizations in peace negotiations, are the Comprehensive EU Approach to the implementation of UNSCR 1325 and 1820; and Implementation of UNSCR 1325, as reinforced by 1820 in the context of European Security and Defense Policy.

In November 2013, after the Brussels agreement had been reached, the Swedish organization Kvinna till Kvinna, Kosovo Women’s Network, Women’s Association for Human Rights, and Women in Black wrote a letter to the High Representative of the Union for Foreign Affairs and Security Policy of the European Union, Catherine Ashton, with requests from women’s organizations in Kosovo and Serbia.<sup>28</sup> They urged the High Representative to implement UNSCR 1325 and 2122

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22 Radio Free Europe, *Text Of Leaked Copy Of Serbia-Kosovo Recognition Deal*, accessed June 15, 2014, <http://www.rferl.org/content/text-leaked-copy-serbia-kosovo-agreement-brussels/24963542.html>.

23 The Government of the Republic of Serbia, *National Action Plan to Implement United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010—2015)*, (Belgrade: Government of the Republic of Serbia, December 2010), 47.

24 More on negotiations between Kosovo and Serbia and the pressure of women’s movement of Kosovo and Serbia to be consulted for negotiations in: *Independent Monitoring of the Implementation of Resolution 1325 in Serbia*, ed. Gordana Subotic and Ana Rankovic, (Belgrade: Women in Black, 2012) 32-35, accessed December 16, 2014, [http://zeneucnom.org/pdf/independent\\_monitoring\\_of\\_the\\_implementation\\_of\\_resolution1325\\_in\\_serbia.pdf](http://zeneucnom.org/pdf/independent_monitoring_of_the_implementation_of_resolution1325_in_serbia.pdf).

25 The Radio Free Europe, *Text of Leaked Copy of Serbia-Kosovo Recognition Deal*.

26 European Commission, *Chapters of the Acquis*, accessed July 8, 2014, [http://ec.europa.eu/enlargement/policy/conditions-membership/chapters-of-the-acquis/index\\_en.htm](http://ec.europa.eu/enlargement/policy/conditions-membership/chapters-of-the-acquis/index_en.htm).

27 The Council of the European Union, *Implementation of UNSCR 1325 as reinforced by UNSCR 1820 in the context of ESDP*, 15782/3/08, (Brussels, December 3, 2008), accessed June 15, 2014, <http://register.consilium.europa.eu/pdf/en/08/st15/st15782-re03.en08.pdf>, p.2-11.

28 Kvinna till Kvinna, Kosovo Women’s Network, Women’s Association for Human Rights and Women in Black, *The Letter to the High Representative of the Union for Foreign Affairs and Security Policy for the European Union Catherine Ashton*, (Belgrade, November 2013).

and uphold international human rights standards and EU commitments by including women's organizations in the dialogue, mainstreaming UNSCR 1325 into the future agreements, supporting women's groups etc.

In response, the High Representative expressed "hope that the process of normalization will not only be limited to talks between the authorities," but that it will also become a fact of life for the people from the region, emphasizing the contribution of the women's organizations from Kosovo and Serbia in this normalization as "essential."<sup>29</sup> The letter pointed out that "Kosovo and Serbia women's rights are a very important element of EU's activities" and one of the priorities of the EU delegations and mission in Belgrade and Kosovo.<sup>30</sup>

With regards to the dialogue between Belgrade and Pristina and the EU agenda in general, the High Representative stated that women play "key roles" in the processes, stressing that Edita Tahiri is the Head of the Kosovo team in the dialogue, Vlora Citaku a Chief negotiator for Stabilization and Association agreement from the Kosovo side and Tanja Miscevic the Chief Negotiator from Serbia's accession negotiations.<sup>31</sup>

However, the past experience of Serbian politics has shown that naming a woman as a head of a delegation does not automatically incorporate the gender dimension into the process, nor does it guarantee the inclusion of women's organizations in it. The best example of this is the drafting process of the Serbian NAP for the implementation of the UNSCR 1325 that took place in 2010. Tanja Miscevic, now a Chief Negotiator in Serbia's accession process, was then the State Secretary for the Ministry of Defence, which was the lead agency in the drafting of the NAP. Yet, despite the fact that a woman was involved at the high-level in the process, women's organizations that were active in 1990s, and that are still dealing with war crimes, transitional justice, reconciliation and post-conflict issues today, were not involved, nor were their comments incorporated into the final version of the NAP. Therefore, the NAP adopted in 2010, which serves as a tool for security sector reform, does not address the role and responsibilities of Serbia in the past conflict in a proper manner, and therefore does not provide adequate solutions for post-conflict problems.

In Serbia, a very small number of women in politics have a NGO background. Since none of the governments of the Republic of Serbia ever publicly recognized that Serbia fought wars outside of its borders, women who publicly acknowledged and opposed the war in Bosnia and Herzegovina, Croatia and Kosovo, have been pushed to the margins of the society since the 1990s. Therefore, in Serbia's case, inclusion of women in politics often does not entail the inclusion of women's organizations that are dealing with the aftermath of the 1990s wars, and the interests of the women who were victims and peacebuilders during these conflicts. The best example of this is the Serbian NAP, which does not acknowledge the tremendous violence against women that took place in ex-Yugoslavia, and that has changed the characterization of "rape" in international law forever.

As a consequence of the marginalization of women peace activists, no female politician would be able to progress in any institution or political party if she would publicly voice support for women who opposed the wars of the 1990s. Therefore, the political context in post-conflict Serbia is one of the main root causes of disconnect between women's movement and women in decision-making.

## **RATING: No change**

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29 The Answer of The High Representative of the Union for Foreign Affairs and Security Policy for the European Union Catherine Ashton to women's organizations in Serbia and Kosovo, Brussels, 21 January 2014, A(2013)3638834-4051539.

30 Ibid.

31 Ibid.

## Indicator 3 – Index of women’s participation in the justice, security sector, and peacekeeping missions

### Security sector

Statistical data regarding women’s representation in the security sector suggest that no significant progress has been made towards increasing the number of women employed in this sector, and that the situation is relatively similar to that in the previous years.

According to the available data, the percentage of women civilians in the Ministry of Defence (MoD) and the Serbian Armed Forces (SAF) is decreasing and the percentage of women ‘in uniform’ is increasing steadily, as the table 3.1 demonstrates. Although the number of women “in uniform” is increasing, the majority of women in MoD and SAF work in civilian positions. It should also be noted that the percentage of female professional soldiers and officers increased. The explanation for the increase of women officers may lie in the fact that the second generation of women cadets graduated from the Military Academy in 2012 and, accordingly, this increasing trend is expected to continue.

**Table 3.1 – Distribution of women in MoD and SAF between different posts and positions**

Category	Percent of women serving in the MoD and SAF						
	2010	2011	2012		2013		2014
	Sept	Sept	April	Sept	April	Sept	May
Officers	0.1%	0.2%	0.16%	0.21%	0.30%	0.43%	0.48%
Non Commissioned Officers (NCOs)	0.1%	0.1%	0.11%	0.11%	0.12%	0.14%	0.14%
Civilians	17.3%	16.0%	16.01%	15.87%	16.00%	15.99%	15.77%
Soldiers	2.0%	2.8%	2.87%	2.90%	2.86%	2.80%	2.81%
TOTAL	19.5%	19.1%	19.15%	19.09%	19.28%	19.36%	19.19%

Source: Response of Ministry of Defence to BCSP’s questionnaire, July 2014.

In the MoD, women remain primarily represented in the Sector for Finances, Sector for Material Resources, the Legal Directorate of the Ministry’s Secretariat, the Military Medical Academy, the Directorate for Military Health Care, and the Sector for Defense Policy’s Institute for Strategic Research.<sup>32</sup> A similar trend is noted in the Military Security Agency (i.e. Counter-Intelligence) and the Military Intelligence Agency, and in all units and commands of the SAF, where the highest representation of women is in administrative positions. No woman has yet performed the duty of a military-diplomatic representative abroad.

The highest rank held by women in the Serbian Armed Forces remains that of Colonel. According to the available data, the greatest percentage of women hold the rank of Second Lieutenant followed by the rank of Lieutenant, and only an exceptionally small percentage of women hold the rank of Major. The percentage of women who hold the rank of Second Lieutenant is likely to increase each year due to fact that new generations of female cadets will finish Military Academy. There is still no female General in the Serbian Army. However, the former Minister of Defense announced in 2013 that by 2014 the Army would instate its first female General.<sup>33</sup>

32 MoD’s Answer to BCSP’s Survey, June 2013.

33 “Vucic: A Woman May be General in 2014,” B92, May 21, 2013, accessed July 8, 2014, [http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=05&dd=21&nav\\_category=12&nav\\_id=715621](http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=05&dd=21&nav_category=12&nav_id=715621)

**Table 3.2: Women's representation across ranks in MoD and SAF**

Rank	Percentage of women out of the total number	
	2013	2014
Second Lieutenant	15.70 %	20.22%
Lieutenant	3.38 %	6.53%
Captain	0.33 %	0.45%
Major General	0.07 %	0.07 %
Lieutenant Colonel	0.33 %	0.32 %
Colonel	0.22 %	0.22 %
General	0%	0%

Source: The Ministry of Defence, *Report on the implementation of NAP 1325 in the MoD and SAF*<sup>34</sup>

## Police

Statistical data from July 2013 shows that female employees constitute 22.1 percent of the Ministry of Interior (Mol). Number of female police officers has been increasing in the last ten years. However, it is noticeable that the growth of the representation of women in Mol has slowed down, or even stagnated, since 2010. This is best illustrated by the fact that the percentage of women increased by only 0.4 percent in the period from 2010 to July 2013.<sup>35</sup>

The largest number of women is employed by the Mol Secretariat, the Internal Audit Department, the HR Management Directorate, the Directorate for Administrative Affairs, the Department for Management of EU funded Projects, and the Assessment Directorate. In the operational ranks, women account for 24.6 percent of all employees with officer ("OSL") status, while 8.6 percent of women have the uniformed officer ("UOSL") status. The percentage of women performing securing duties is 11 percent, and their percentage in border police is 18, with a very small number of women working in traffic police (5.5 percent). Out of the total number of employees in the operational ranks of crime suppression-related positions, women account for 19 percent, with 25 percent of women employed in the emergency response sector.<sup>36</sup> Women are also represented in the special units, although their numbers are low: they constitute 5.3 percent of the Special Anti-terrorist Unit, 4.8 percent of the Counter-Terrorist Unit, 16.4 percent of the Helicopter Unit, and 4.9 percent of the Gendarmerie.

According to the latest Mol Report (2013), the share of women in managerial positions in the Ministry is 10.9 percent. There are no women among the Heads of Directorates of Mol, or in the Criminal Police Department. Neither is a woman head of the General Police Jurisdiction department. The number of women in managerial positions at the operational level remains low – there is only one female head of the Police Directorate; two women are Commanders of Police Stations; one is a Deputy Commander of Police Station; and six women (2.6 percent) are police department commanders.

## Justice sector

The justice sector in Serbia was considered women's domain in late 2008, when the reform of the judiciary began. At that time, there were approximately 2,400 judges (excluding the Misdemeanor Courts' judges), out of which number approximately 70 percent were women.<sup>37</sup>

34 The Ministry of Defence, *Report on the Implementation of NAP 1325 in the MoD and SAF*, June 2014, accessed December 16, 2014, [http://www.mod.gov.rs/sadrzaj.php?id\\_sadrzaja=4352](http://www.mod.gov.rs/sadrzaj.php?id_sadrzaja=4352).

35 The Government of Serbia, *Report on the Implementation of NAP 1325 in the MoI*, 2013.

36 Data from Mol's Report on NAP 1325 Implementation, December, 2012.

37 *Daily News Politika*, "Justice is a Woman's Job," October 1, 2010, accessed July 8, 2014, <http://www.politika.rs/rubrike/Hronika/Pravda-je-zenski-posao.lt.html>.

The justice sector reform increased the number of judges significantly. According to the Decision on the Number of Judges issued in November 2013 by the High (or Supreme) Court Council, the exact number of judges in Serbia as from January 2014 was 3,089.<sup>38</sup> The data published by the Statistical Office of the Republic of Serbia indicates that women still make up majority in the justice sector.

**Table 3.3: Women in the Judiciary (2014)**

<b>Courts of General Jurisdiction</b>	<b>Women</b>	<b>Men</b>	<b>Percent of Women</b>
Supreme Court of Cassation	23	12	65.7%
The Appellate Courts (in Belgrade, Novi Sad, Kragujevac and Nis)	165	69	70.5%
Higher Courts	218	147	59.7%
Basic Courts	1009	425	70.3%
<b>Courts of Special Jurisdiction</b>			<b>Percent of Women</b>
Administrative Court	27	9	75%
Commercial Appellate Court	22	7	75.9%
Commercial Courts	115	45	71.9%
Misdemeanor Appellate Court	48	10	82.8%
Misdemeanor Courts	388	130	74.9%

Source: Statistical Office of the Republic of Serbia, "Women and Men in Serbia in 2014", [http://webrzs.stat.gov.rs/WebSite/repository/documents/00/01/61/09/ZiM\\_srpski\\_web.pdf](http://webrzs.stat.gov.rs/WebSite/repository/documents/00/01/61/09/ZiM_srpski_web.pdf)

### Peacekeeping missions

Military and police officers can apply for participation in UN and EU peacekeeping missions on a voluntarily basis. According to the database of the Ministry of Defence, 5,448 men and 403 women have applied for participation in the missions. These numbers represent the pool of civilian and military staff, out of which a certain number is selected and trained for the missions.

Since March 2012, women have been involved in military operations as professional soldiers on military duty. Prior to that time, they served mostly as medical staff. This represents a significant progress. Each year the number of women who are deployed in peacekeeping operations as professional soldiers increases. Nonetheless, majority of women deployed at the missions still work as doctors and medical technicians providing first aid and assistance in hospitals, or during evacuation by air. The number of professional female soldiers performing military duties, such as patrolling, guard, working on check-point(s) and securing, though increasing, is still significantly lower than that of men, as the table below shows.

<sup>38</sup> The High Judicial Council, accessed July 8, 2014, [http://www.vss.sud.rs/sites/default/files/attachments/Odluka%20o%20broju%20sudija%20u%20sudovima\\_0.pdf](http://www.vss.sud.rs/sites/default/files/attachments/Odluka%20o%20broju%20sudija%20u%20sudovima_0.pdf).



**Table 3.4: Representation of women and men in multinational operations (MNO) in August 2013**

	Women	Men	Percent of Women	Category
DR CONGO - MONUSCO	3	5	3.8%	Contingent troop
Liberia - UNMIL	1	9	0.1%	Experts, individual police
Côte d'Ivoire - UNOCI	0	3	0%	Experts
Cyprus - UNFICYP	2	46	4.2%	Contingent troop, individual police
Lebanon - UNIFIL	2	47	4.1%	Contingent troop
Middle East - UNTSO	0	1	0%	Experts
EUTM Somalia	0	10	N/A	Medical staff
EUNAVFOR Somalia - Operation ATALANTA	0	17	N/A	Navy officers, staff officers team for protection of ships
<b>TOTAL</b>	<b>8</b>	<b>138</b>	<b>5.5%</b>	

Source: UN Department of Peacekeeping Operations (DPKO).<sup>39</sup>

**Table 3.5: Representation of women and men in multinational operations (MNO) in August 2014**

	Women	Men	Percent of Women	Category
Haiti - MINUSTAH	0	4	0%	Individual police
DR CONGO - MONUSCO	2	4	33.3%	Contingent troops
Liberia- UNMIL	0	10	0%	Experts, individual police
Côte d'Ivoire - UNOCI	0	3	0%	Experts
Cyprus - UNFICYP	2	46	4.2%	Contingent troops, individual police
Lebanon - UNIFIL	5	138	3.5%	Contingent troops
Middle East - UNTSO	0	1	0%	Experts
EUTM Somalia	0	5	0%	Medical staff
EUNAVFOR Somalia <sup>2</sup> - Operation ATALANTA	0	22	0%	Navy officers and staff officers
<b>TOTAL</b>	<b>9</b>	<b>242</b>	<b>3.7%</b>	

Source: UN Department of Peacekeeping Operations (DPKO).

<sup>2</sup> MoD's Answer to BCSP's Survey, July 2014.

<sup>39</sup> "Troop and Police Contributors," UN Department of Peacekeeping Operations, accessed October 13, 2014, <http://www.un.org/en/peacekeeping/resources/statistics/contributors.shtml>.



There are two types of challenges when it comes to women's participation in Serbia's peacekeeping missions: cultural and institutional. Usually, there is an overlap between them.

With regards to the cultural obstacles, the traditional role of women as the primary caregivers of their households plays an important role. One of the reasons why women do not choose to participate in the missions is the long-term absence from home and separation from the family that such participation entails. Considering that the responsibility for the family in Serbian society lies primarily with women, joining a peacekeeping mission for six months or a year presents a significant problem to them. At the same time, lack of institutional support to families of participants of multinational operations increases women's reluctance to make such a choice. Adoption of support mechanisms for families, such as shortening working hours, or granting leave of absence from work to the other parent to take care of the family could be a solution to this problem.

Other cultural obstacles include the dominant perceptions of women in the society in general, and in the security and defense sector in particular. Women are seen as lacking the competence for efficiently fulfilling police and military duties, primarily because of their alleged lack of physical abilities. Such views are also linked to the perception of the social role of women as housewives and mothers. In other words, women are seen as traditional caretakers of the Serbian family. Consequently, the image of a female officer participating in a peacekeeping mission hardly fits the general perception. These stereotypes lower women's self-esteem and motivation to participate in the missions.

There are also several institutional challenges to women's participation in the operating forces of multinational operations (i.e. the military and police units). One of them is the fact that women account only for a small share of the operating forces of the national police (7.5 percent) and military (8.27 percent), which in turn limits their number in the operating forces of multinational operations. The increase of the share of female military observers, staff officers and non-commissioned officers will only be possible if the number of women officers and non-commissioned officers in the operating forces of the Serbian Armed Forces significantly increases.

In 2011, when the first generation of male and female cadets graduated from the Military Academy, 19 women officers joined the military. However, the requirement of at least 6 years of service and the rank of Captain to be eligible to join a mission, adversely affects their ability to be deployed in peacekeeping operations. There is a possibility that the number of women deployed in multi-national operations (MNOs) will increase after the integration of the Republic of Serbia into the civilian missions of the European Union, which will increase the total number of potential participants from the MoD and SAF on various duties in MNOs, thus creating more space for women's participation.

- RATINGS:**
- 1. Justice sector, no change**
  - 2. Security sector, no change**
  - 3. Peacekeeping missions, slight progress**

## Indicator 4 – Number and percentage of women participating in each type of constitutional legislative review (including security sector review)

There is no legislative review currently ongoing in Serbia. The constitutional review is performed by the Constitutional Court, which considers the constitutionality of the laws submitted to it on a case-to-case basis.

**Table 4.1: Women's participation in the Constitutional Court**

Composition of the Court	Total number	Women	Men	Percent of women
President	1	1	0	100%
Judges	14	5	9	35.71%

Source: *The Constitutional Court of the Republic of Serbia*.<sup>40</sup>

Between 1963 and 2007, all presidents of the Constitutional Court were men.<sup>41</sup> Since 2007, three women have held the position of the President of the Constitutional Court: Bosa Nenadić (2007-2010), Agneš Kartag-Odri (Dec 2010- Feb 2011) and Vesna Ilić-Prelić (2014 – present), and one woman was the Deputy President of the Constitutional Court from 2011 until 2014. Currently, women constitute 35.7 percent of Constitutional Court judges. Their representation in the Court has also been weak historically - only 10 of the 62 judges in the period between 1963 and 2007 were women.<sup>42</sup> Therefore, women's participation in the legislative and constitutional review has been weak in Serbia. The appointment of the women as Presidents of the Court gives hope for women's greater representation in the constitutional review.

### **RATING: Slight progress**

## Indicator 5 – CSOs in task force/committees on UNSCR 1325 and 1820 (out of total task force members)

There are two main governmental bodies tasked with the implementation of the NAP in Serbia. The first one – the Political Council – is comprised of the secretaries of states and provides political guidelines and recommendations related to the implementation of the NAP. The second body – the Multi-Sectorial Body, coordinates efforts of all government agencies, ministries and other state institution aimed to implement NAP 1325. The Multi-Sectorial Body reports to the Political Council and the Parliamentary Commission for Monitoring of the Implementation of the NAP in the Republic of Serbia.

Within the security sector, gender equality mechanisms were established in the Ministry of Interior, the Ministry of Defence, the Intelligence Agency (BIA), and the Customs Administration and Department for Penal Sanctions. These mechanisms which are aimed to implement UNSCR 1325 include gender advisors to ministers and directors, analytical groups, anti-discrimination mechanism and "person of trust."<sup>43</sup>

40 The Constitutional Court of the Republic of Serbia, accessed November 20, 2014, <http://www.ustavni.sud.rs/page/view/en-GB/214-100018/judges>.

41 List of former presidents of the Constitutional Court, accessed September 14, 2014, <http://www.ustavni.sud.rs/page/view/sr-Latn-CS/312-101087/raniji-predsednici-ustavnog-suda>.

42 Ibid.

43 Trustworthy person or person of trust is a mechanism intended to ensure gender equality in the security sector. As stipulated in the NAP 1325, person of trust should mediate, provide counsel, and initiate action to settle gender equality and discrimination-related disputes.

CSOs are not members of the aforementioned governmental and legislative mechanisms. Their engagement is limited to: providing expertise to policy makers and civil servants on particular topics; participation in consultative meetings; organizing and implementing trainings for civil servants; taking part in public hearings or public debate on policies etc.

One of the reasons for the lack of inclusion of women's CSOs in the National Action Planning process is the marginalization of women peace activists, linked to the fact that Serbia never officially acknowledged its participation in wars outside of its borders. In the 1990s women who were holding vigils for victims of wars, women demonstrating to end the wars, and members of women's organizations were publicly lynched, persecuted, interrogated and arrested by the authorities.<sup>44</sup> After 2000, none of the governments took action to discontinue the practice of treating these brave women as non-patriots, traitors of the state, or so-called "foreign mercenaries."<sup>45</sup> The drafting of the NAP for the implementation of UNSCR 1325 in Serbia has shown that women in decision-making positions do not put the gender dimension and women's interests before their political affiliations, even in the context of UNSCR 1325. Consequently, the approach to the NAP is highly militarized and reduced to the only acceptable dimension in Serbian society, the number of women in the security sector, without addressing the range of other issues related to women and peace and security.

In the past two years, there has been some progress with regards to establishing a dialogue between the government and the civil society on the NAP implementation. A Multi-Sectorial Body was established and tasked with establishing regular communication regarding UNSCR 1325 between the government and civil society. In December 2012, it co-organized – together with the Belgrade Centre for Security Policy (BCSP) and other NGOs, a conference on the implementation of the NAP.<sup>46</sup> Approximately eighty representatives of the civil society, public authorities, and international organizations attended the conference, which gave them the opportunity to share their achievements related to gender equality and Women, Peace and Security (WPS) agenda in the Republic of Serbia. The conference also provided an opportunity to explore the possibilities of cooperation in the implementation of the NAP. It was the first step towards the establishment of a platform for continuous communication and cooperation between public authorities and representatives of civil society in the implementation of the NAP.

Yet, despite this effort to establish a dialogue between CSOs and the government, cooperation between the security sector and civil society in Serbia still lacks clearly defined rules and criteria for information-sharing, consultations, and discussion that would allow for an effective dialogue between these groups. A sustainable mechanism for a more significant involvement of CSOs in the implementation of the NAP remains absent at both the central and local levels, and, consequently, the process of NAP implementation is not inclusive of all the interested representatives of the civil society who wish to participate in it.

The Serbian NAP gives the civil society the role of having "independent oversight" over its implementation. Therefore, despite the exclusion of CSOs from formal NAP implementation processes, several CSOs and think tanks in Serbia work specifically on UNSCR 1325 and 1820. These include the Belgrade Fund for Political Excellence (BFPE), Belgrade Centre for Security Policy (BCSP), and Women in Black – an organization that has been working on implementation of the two resolutions for more than ten years. Currently, all three organizations are working on localization of the NAP, and advocating with government for the adoption of more gender-sensitive policies.

44 In 1991, feminist peace organization Women in Black started holding vigils for victims of wars in ex-Yugoslavia in the Republic Square, as an opposition to war and militarization that started with the dissolution of Yugoslavia.

45 Expression mostly used by right wing politicians and newspapers for NGOs and activists that are funded abroad to work in the field of transitional justice, war crimes, human rights abuses, human and LGBT rights.

46 Belgrade Centre for Security Policy (BCSP), accessed September 9, 2014, <http://bezbednost.org/Vesti-iz-BCBP/4991/Civilno-drustvo-se-kroz-dijalog-sa-drzavom.html>.

However, many CSOs are donor-driven and therefore started to deal with the implementation of UNSCR 1325 and 1820 due to support of donor community to projects related to this topic. Therefore, there is serious concern that lack of financial support will lead to discontinuation in implementation of both resolutions especially at the local level. Therefore, it is crucial to institutionalize the engagement of CSOs in the NAP implementation process, by including them in the formal NAP implementation bodies and mechanisms.

## **RATING: Moderate progress**

### **B. Prevention and protection**

#### **Indicator 6 – Number and percentage of SGBV cases reported, investigated, prosecuted and penalized**

##### **Prosecution of the SGBV committed during the war**

The 1990s wars in the former Yugoslavia were marked by systematic and widespread rape and other forms of sexual violence. The actual number of SGBV cases remains unknown. It is estimated that 20,000 – 50,000 women were raped during the war in Bosnia and Herzegovina.<sup>47</sup> Data on SGBV committed in Croatia and Kosovo cannot be stated with accuracy, due to the lack of information and responsibility of the States to investigate and punish all the perpetrators of SGBV in the wars of the 1990s. There are data provided by international organizations such as Human rights Watch, Medica and women's CSOs in Croatia and Kosovo, but States are neither investigating nor punishing perpetrators.<sup>48</sup>

The statute of the International Criminal Tribunal for Former Yugoslavia (ICTY), established to prosecute the crimes committed during the 1990s wars, characterizes rape as a crime against humanity.<sup>49</sup> This is the first time that rape was characterized as a crime against humanity in international legislation. Some of the ICTY verdicts classify rape as torture and a violation of the rights and customs of war, as a crime against humanity, and recognize sexual slavery, and "rape camps" as crimes against humanity. Consequently, the use of SGBV against women is recognized as tactic of war.

Recognition and prosecution of SGBV in conflict is extremely important. Article 11 of UNSCR 1325 emphasizes that all States have the responsibility to prevent impunity and to prosecute those who are responsible for genocide, crimes against humanity, war crimes, including those that are related to sexual violence against women and girls and in this regard it underlines the need to exclude these crimes, where possible, from amnesty provision.

On the national level, the War Crimes panel of the High Court of Belgrade is charged with the prosecution of the crimes committed during the war.

The Serbian NAP states that the competent authorities should work efficiently on the discovery, arrest and prosecution of perpetrators of international war crimes, which took place on the Ser-

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47 Angela J. Edman, American University Washington College of Law, "Crimes of Sexual Violence in the War Crimes Chamber of the State Court of Bosnia and Herzegovina: Successes and Challenges."

48 Human Rights Watch, *Serb Gang-Rapes in Kosovo Exposed*, accessed June 30, 2014, <http://www.hrw.org/news/2000/03/20/serb-gang-rapes-kosovo-exposed>.

49 The International Criminal Tribunal for the former Yugoslavia, *Updated Statute of the International Criminal Tribunal for the Former Yugoslavia*, September 2009, accessed July 5, 2014, [http://www.icty.org/x/file/Legal%20Library/Statute/statute\\_sept09\\_en.pdf](http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf).

bian territory, including the perpetrators of all forms of crimes against humanity, committed on women and girls.

The European Commission's annual progress report on Serbia for the year 2013 commented on the domestic prosecution of war crimes.<sup>50</sup> It is mentioned that the number of defendants was very low in the year 2012, that the courts continued to impose light sentences for the perpetrators, and that there are still serious problems in protection of witnesses, which have not been resolved.

The Government of Serbia issued an "Action Plan for the Implementation of the Recommendations" of the European Commission, and the Prosecutor Office has taken some steps, together with the Prosecutor Office of BiH, to implement the recommendations.<sup>51</sup> However, the Action Plan does not provide any action to correct the irregularities in the process of prosecuting war crimes in Serbia. Yet, despite these provisions, the prosecution of the SGBV crimes committed during the 1990s wars remains weak and problematic in Serbia.

It was impossible to obtain the data about the number of ongoing SGBV cases before the Higher Court, since, in response to the team's request, the Court stated that they do not keep records for the ongoing SGBV trials. Therefore, they cannot give further information on their number.<sup>52</sup> Beside this fact, there is one retrial case at the Higher Court in Belgrade.

In 2013, the War Crimes panel of the High Court in Belgrade indicted the first degree judgment, in the case "Skočić," in which six people were sentenced for "war crimes against the civilian population for torturing, raping, abducting and inhumane treatment of two minor girls and one adult female."<sup>53</sup> This case has been preceded by the Court of Appeal in 2013. In 2014 the Court of Appeal quashed the first degree judgment by the Higher Court in the Belgrade and send the case back for a retrial. A final judgment was issued by the Court of Appeal in March 2013 in the case "Bijeljina," in which two men were sentenced for "war crimes against (the) civilian population" for raping of two women on the territories of Bosnia and Herzegovina during the wars of the 1990s.<sup>54</sup>

The Office of the War Crimes Prosecutor had extended the charges in 2013 for the "Ćuška" case against one person and charged him for the rape of one minor female.<sup>55</sup> In the case "Brčko," the office of the War Crimes Prosecutor has ordered an investigation for the criminal offense of rape of one woman.<sup>56</sup> Thus, there were only two cases of wartime rape prosecuted and penalized by the office of the War Crime Prosecutor.

Therefore, according to what was stated above, we can conclude that Serbia has a very low percentage of proceeded cases of SGBV committed during the war in Former Yugoslavia in comparison to Bosnia and Herzegovina for example.<sup>57</sup>

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50 European Commission, Final Commission Staff Working Document Report on Serbian Progress for 2013, (Brussels: EU, October 16, 2013), 13, accessed December 16, 2014, <http://www.seio.gov.rs/dokumenta/eu-dokumenta.211.html>.

51 The Government of the Republic of Serbia, European Integration Office, accessed July 27, 2014, <http://www.seio.gov.rs/dokumenta/nacionalna-dokumenta.951.html>.

52 The High Court in Belgrade, in response to a request for information of public importance on the number of SGBV cases stated that there is no established evidence, so they could not give an answer to this question.

53 Humanitarian Law Center, accessed July 5, 2014, <http://www.hlc-rdc.org/wp-content/uploads/2013/12/Prvostepena-presuda-Skocic.pdf>.

54 Ibid.

55 Ibid.

56 Answer of the Office of the War Crimes Prosecutor no. 198/14 from July 9, 2014.

57 Organization for Security and Co-operation in Europe, *Combating Impunity for Gender-Based Sexual Violence in Bosnia-Herzegovina: Progress and Challenges*, February 2014, accessed August 8, 2014, <http://www.osce.org/bih/117051?download=true>, p. 65-73.



## Reparations for SGBV committed during the wars in the 1990s

At the end of February 2014, the Humanitarian Law Center (HLC) was informed that the Ombudsman, the Office for Human and Minority Rights of the Government of Serbia (Office for Human Rights) and the Commissioner for the Protection of Equality (Commissioner) had given up on the initiative to pass the new Law on Civilian Victims of War, which would acknowledge the rights of all the citizens of Serbia, who have been victims of war crimes and other serious violations of human rights during the wars of the 1990s.<sup>58</sup>

At the time of writing of this report, governmental institutions apparently were not willing to resolve the issue of reparations.

## SGBV in post-conflict Serbia

The Serbian Criminal Code prohibits rape, as well as spousal rape, domestic violence and sexual harassment. All of these types of SGBV are punishable under Serbian criminal law.<sup>59</sup> However, the reporting and prosecution are weak, and SGBV remains widespread in Serbia.

**Table 6.1: Rape – number of cases reported and penalized**

	2011	2012	2013	Average annual growth rate
<b>Number of reported rapes</b>	141	131	113	-10.48%
<b>Number of penalized rapes</b>	67	72	70	+2.21%

Source: Statistical Office of the Republic of Serbia<sup>60</sup>

It is notable that the number of reported cases of rape is falling, and on the other hand, the number of the penalized is increasing. This indicates progress in terms of fighting impunity. However, the declining number of cases reported should not be taken as a definite sign of falling rates of rape and sexual assault, since many victims might not be willing to report to the police.

In the post-conflict period, the most prevalent type of SGBV is domestic violence, and the number of women killed in the family context (femicide) is growing.<sup>61</sup> According to the Network of Women against Violence, in the year 2011, 29 women were killed, in the year 2012 there were 32 women killed and in 2013, 43 women were killed in family or partnership context.<sup>62</sup>

**Table 6.2: Number of women killed in family or partnership context**

	2011	2012	2013	Average annual growth rate
<b>Femicide in family context</b>	29	32	43	+21.77%

Source: Network of Women against Violence

58 Humanitarian Law Center, accessed July 7, 2014, <http://www.hlc-rdc.org/?p=26328&lang=de>.

59 Social Institutions and Gender Index, "Serbia," accessed December 16, 2014, <http://genderindex.org/country/serbia>.

60 The results were collected by crossing data from statistical reports, which were published by the Statistical Office of the Republic of Serbia, accessed September 14, 2014, <http://webzrs.stat.gov.rs/WebSite/Public/PageView.aspx?pKey=144>.

61 Global Network of Women Peacebuilders, *Women Count - Security Council Resolution 1325: Civil Society Monitoring Report 2013*, 290.

62 Network of Women against Violence, *Femicide - The Murder of women in Serbia: Narrative and Quantitative Narrative Report for 2013*, (Belgrade, 2013), 2, accessed September 14, 2014, <http://www.zeneprotivnasilja.net>.



Femicide is a widespread form of violence against women in Serbia. There is no official data on current rates of femicide in Serbia, but according to newspaper articles collected and analyzed by the Women against Violence Network, 43 women were murdered in 2013 in a partner/family context. Twelve of them were murdered with firearms. This indicates that there is a great probability that the gun that is inside the house will be used to frighten or physically harm family members, and that the trauma caused by the threat with a weapon or the threat to life if the aggressor owns a weapon, decreases the capacities of the woman for resistance.<sup>63</sup>

## 6.5: Domestic violence – reported and penalized

	2011	2012	2013 <sup>3</sup>	Average annual growth rate
<b>Number of reported domestic violence cases</b>	3600	3684	3832	<b>+3.17%</b>
<b>Number of penalized domestic violence cases</b>	1652	1500	1568	<b>-2.58%</b>

Source: *The Statistical Office of the Republic of Serbia*

<sup>3</sup> The Statistical Office of the Republic of Serbia, accessed September, 14, 2014, [http://webzrs.stat.gov.rs/WebSite/repository/documents/00/01/44/68/SK12\\_191\\_srb-punoletni-2013.pdf](http://webzrs.stat.gov.rs/WebSite/repository/documents/00/01/44/68/SK12_191_srb-punoletni-2013.pdf).

As we can see, the number of reported cases of domestic violence is rising, but on the other hand the number of the penalized is declining. This may be related to the gaps in Serbian law, which do not provide specific provisions for prosecution of marital rape, which contributes to the impunity of the domestic violence perpetrators, despite the growing numbers of cases reported.

With regards to domestic and sexual violence in Serbia, there is no special protocol for victims of rape, and victims of marital rape are not recognized as vulnerable categories that should be entitled to free abortion. There are no centers for rape victims, or similar institutions. There are no free of charge specialized services that would provide psychological help for victims, in order to overcome the trauma of rape. The state does not provide funds for the CSOs to provide that type of service.<sup>64</sup>

Until December 5<sup>th</sup>, 2013, judges proceeding committed crimes were not obliged to take into account as an aggravating circumstance any motive such as hatred for one's belonging to a particular gender, sexual orientation or gender identity of targeted person, even if in practice such circumstances were clearly indicated. Moreover, there was no obligation to rule for a stringent punishment, which would enable protection of these particularly vulnerable social groups whose members were victims of various crimes, based on hate.

After May 12, 2013 the Serbian Criminal Code explicitly states that if the offense is committed with a motivation of hatred directed against the gender, sexual orientation or gender identity of targeted person, these circumstances are to be taken into account by the court as aggravating circumstances. Unless it is provided as a necessary element of the crime.<sup>65</sup>

Gender has been recognized as an element of the crime of "violation of equality," therefore making all forms of gender-based violence punishable under this provision.<sup>66</sup> However, according to the

<sup>63</sup> Network of Women against Violence, *Femicide - The Murder of women in Serbia: Narrative and Quantitative Narrative Report for 2013*, 3.

<sup>64</sup> ASTRA, Voice of Difference, Women in Black, Labris and Autonomous Women's Center, *Shadow over Serbia, NGO Report for the 55th CEDAW Committee Session 2013*, 2013, 33.

<sup>65</sup> The Government of Serbia, Criminal code (Official Gazette of the RS, Nos. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009 and 111/2009), article 54a.

<sup>66</sup> The Government of Serbia, Criminal code (Official Gazette of the RS, Nos. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009 and 111/2009), Article 128, para 1.

2013 press release of the Statistical Office of the Republic of Serbia, not a single person has been sentenced for this crime.<sup>67</sup>

Violence against women continues to be a problem. While authorities generally acknowledge high levels of domestic violence, there are no reliable statistics as to the extent of the problem. Rape, including spousal rape, is punishable by up to 40 years in prison. Advocates believed that only a small percentage of rape victims reported their attacks due to fear of reprisals from their attackers or humiliation in court. Few spousal rape victims filed complaints with authorities. Women's groups believed that sentences were often too lenient.<sup>68</sup>

The total number of registered victims of sexual violence at municipality centers for social work has not been released yet.

Research conducted by women's NGOs has not been published for the year 2013, which further contributes to the scarcity of the data.

**RATING: No change/Deterioration**

## **Indicator 7 – Number and quality of gender-responsive laws and policies**

As mentioned above, the Republic of Serbia has ratified numerous international human rights conventions, vital for women's human rights and gender equality. It also has adopted several national gender-responsive laws and bylaws. However, their implementation is often partial and some of the main obstacles are: lack of the harmonization between laws and bylaws (strategies and national action plans for their implementations), lack of reporting requirements and lack of adequate funding from Serbia's budget for the implementation of these laws, strategies and action plans.

### **The Constitution of the Republic of Serbia (2006)**

The Constitution of the Republic of Serbia provides that the government shall guarantee equality of women and men and develop an equal opportunities policy (Article 15), prohibits all direct or indirect discrimination based on any grounds, particularly on the origin of sex (Art. 21, Paragraph 3), guarantees the right to equal legal protection (Art. 21, Paragraph 2), legal assistance (Art. 67), and the right to rehabilitation and compensation of material or non-material damage inflicted by unlawful or irregular work of a government or other body (Art. 35).<sup>69</sup>

The Constitution of the Republic of Serbia has generated numerous problems in practice since its adoption in 2006 and the need to amend it was often mentioned in 2013, but so far there has no official initiative for the amendment of the constitution. Legal experts qualified as the constitutional provisions on the correlation between national and international law as problematic, they considered confusing or contradictory the individual provisions on human rights they consider, provisions on the status and role of the judiciary and its independence and the status of the independent regulatory authorities.<sup>70</sup>

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67 Statistical Office of the Republic of Serbia, *Press Release no 191, year LXIV*, accessed July 18, 2014, [http://webzrs.stat.gov.rs/WebSite/repository/documents/00/01/44/68/SK12\\_191\\_srb-punoletni-2013.pdf](http://webzrs.stat.gov.rs/WebSite/repository/documents/00/01/44/68/SK12_191_srb-punoletni-2013.pdf).

68 U.S. Department of State, Bureau of Democracy, Human Rights and Labor, "Serbia," in *Country Reports on Human Rights Practices for 2013*, (Washington, DC: DRL, 2013), accessed December 9, 2014, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dld=220329#wrapper>.

69 The Official Gazette of Republic of Serbia No. 83/06.

70 Belgrade Centre for Human Rights, *Human Rights in Serbia – A Comprehensive Report for 2013*, 22.

## **The Criminal Code (2005)**

The Criminal Code recognizes domestic violence as a criminal offense (Article 194), as well as marital rape (Art. 178); the Criminal Code also prescribes human trafficking as a criminal offense (Art. 388, 389 and 390). The Criminal Code explicitly prohibits incitement to national, racial and religious hate, dissension or intolerance (Art. 317). The Criminal Code incriminates incitement to genocide and other war crimes (Art. 375), instigation of or incitement to a war of aggression and ordering a war of aggression (Art. 386).<sup>71</sup>

In the Criminal Code there is no mention of criminal offenses of harassment or stalking by a family member, current or former partner, despite the fact that this phenomenon is very widespread (18.6 percent of polled women experienced it). Women who have never been either in emotional or sexual relationship with the stalker also experience stalking, and sometimes they end up being killed by their stalkers.<sup>72</sup>

## **The Family Law (2005)**

The Family Law regulates that spouses are equal (Article 3), gives the definition of domestic violence (Art. 197) and prescribes protection measures against domestic violence (Art. 198).<sup>73</sup>

## **The Gender Equality Law (2009)**

The Gender Equality Law regulates creation of conditions for conducting the policy of equal opportunities of women and men in all spheres of social life, prevention and elimination of sex and gender based discrimination and legal protection of persons from discrimination.<sup>74</sup>

For most measures prescribed by the law, there are no sanctions provided, meaning that the law has the character of recommendations and there are no consequences for failure to apply the law. Also, there are no reports on its implementation.

## **The Anti-Discrimination Law (2009)**

The Anti-Discrimination Law regulates general prohibition of discrimination, forms and incidents of discrimination, and actions against discrimination.<sup>75</sup> Article 20 of the Anti-Discrimination Law prohibits discrimination based on sex or sex change. Violence, exploitation, expression of hatred, belittling, blackmail and harassment on grounds of sex are also prohibited, as are public advocacy, support and cultivation of prejudices, customs and other patterns of social behaviour based on the superiority or inferiority of a sex, including stereotyped gender roles.<sup>76</sup>

After five years of its implementation, the Anti-Discrimination Law has had some effects on the actual equality of men and women in everyday life. Their reports on its implementation are available to the public.<sup>77</sup>

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71 The Official Gazette of Republic of Serbia No. 85/05, 88/05 – correction, 107/05 –correction, 72/09 and 111/09.

72 ASTRA, Voice of Difference, Women in Black, Labris and Autonomous Women's Center, *Shadow over Serbia - NGO Report for the 55th CEDAW Committee Session 2013*, 41.

73 The Official Gazette of Republic of Serbia, No. 18/05.

74 The Official Gazette of Republic of Serbia No. 104/09.

75 The Official Gazette of Republic of Serbia No.22/09.

76 Belgrade Centre for Human Rights, *Human Rights in Serbia – A Comprehensive Report for 2013*, 21.

77 For more information see: <http://www.ravnopravnost.gov.rs/en/reports>.

## **The Law on Local Elections<sup>78</sup> and the Law on Election of National Deputies<sup>79</sup>**

The Law on Local Election and the Law on Election of National Deputies prescribe that an election list must have at least 30 percent of candidates in total, belonging to the less represented sex in the list.

In addition, Serbia adopted several important strategic documents that intend to improve the status of women and gender equality. Some of the main concerns is related to action plans (AP) for the implementation of these strategies, which are usually adopted a long time after a strategy is adopted, or are not adopted at all. Often, there are no reports on the strategies' implementation. However, almost all funds for the implementation of these strategies are from foreign donations, and not from the budget of the Republic of Serbia, which indicates that women's rights, and human rights in general, are not on the list of priorities of the Serbian government.<sup>80</sup> The fact is that Serbia still does not have program-related budgets and there are no funds in the State budget earmarked for combating violence against women, or supporting work of the women's peace organizations.

## **The National Strategy for the Improvement of the Status of Women and Promotion of Gender Equality (2010-2015)**

The National Strategy for the Improvement of the Status of Women and Promotion of Gender Equality prescribes a comprehensive and coordinated policy of the state aimed at the elimination of discrimination against women, improvement of their status and integration of the principle of gender equality in all fields of activities to be performed by the state institutions.<sup>81</sup>

## **The National Strategy for the Prevention and Suppression of Family and Intimate Partner Violence against Women (2010 – 2015)**

The National Strategy for the Prevention and Suppression of the Family and Intimate Partner Violence against Women prescribe causes and types of violence, regulates policies and aims at the protection of women against all types of intimate partner and family violence.<sup>82</sup>

## **The Strategy for Protection against Domestic Violence and Other Forms of Gender Based Violence in the Autonomous Province of Vojvodina for the period 2008-2012<sup>83</sup>**

This strategy was one of few that were not effectively implemented until 2013.<sup>84</sup>

## **The Strategy to Combat Trafficking in Human Beings harmonized by the National Action Plan of Action (2009-2011)**

This new anti-trafficking strategy and action plan for its implementation had not been adopted by the end of the reporting period.

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78 The Official Gazette of Republic of Serbia, No. 129/07 and 34/10- Decision of the Constitutional Court.

79 The Official Gazette of Republic of Serbia, No. 35/00; 57/03- Decision of the Constitutional Court of RS; 72/03.

80 ASTRA, Voice of Difference, Women in Black, Labris and Autonomous Women's Center, *Shadow over Serbia - NGO Report for the 55th CEDAW Committee Session 2013*, 7.

81 The Official Gazette of Republic of Serbia No.15/09.

82 The Official Gazette of Republic of Serbia No.27/11.

83 The Official Gazette of the Province of Vojvodina, No. 20/08.

84 As a result of the implementation of this strategy, new capacities (a total of 1,213 professionals from 45 municipalities in Vojvodina sensitized and skilled to address GBV) were built to support a comprehensive response to violence against women. A database on capacities of professionals was created to track the number and profile of professionals participating in trainings and facilitate insight into professionals' capacities to address domestic violence and violence against women in general.

***The National Action Plan (NAP) to Implement United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010—2015) The NAP contains operational guidelines for the implementation of UNSCR 1325.*<sup>85</sup>**

According to the monitoring of NAP, done by Women in Black in 2011, 2012 and 2013, women's CSOs had no influence on the process of the creation of the NAP, and year long efforts of civil society organizations in the field of education, promotion and lobbying for the adoption of UNSCR 1325 were not acknowledged at all. Post-conflict problems such as implementation of the transitional justice mechanisms that would stop impunity for the crimes against women and girls committed by the Serbian state in ex-Yugoslavia and legal, social and economic support and reparations to women victims of war and consultations with these women are not being addressed in the content of the NAP.<sup>86</sup> According to the research conducted by Belgrade Centre for Security Policy (BCSP), the main achievement, four years after the NAP was adopted, is the fact that all institutional bodies charged with its implementation were established: the Political Council, the Multi-Sector Coordination Body (MSCB), the Supervisory Body, and the Assessment Groups. In addition, gender equality mechanisms, such as gender equality advisors, persons of trust, and gender budgeting, were also put in place<sup>87</sup>.

According to the above-mentioned research, the major challenges were encountered in the process of NAP implementation, monitoring and reporting. No significant progress was made, considering that common indicators for NAP implementation, monitoring and reporting are still absent from relevant public authorities and bodies.<sup>88</sup>

**RATING: Moderate progress**

**Indicator 8 – Number and nature of provisions/recommendations in the truth and reconciliation commission (TRC) and other transitional justice reports on women's rights**

In the Republic of Serbia, there is no state-initiated (institutionalized) Truth and Reconciliation Commission (TRC). The CSO initiative for establishing TRC for the Former Yugoslavia is still in the development process.

The discussion on truth-seeking and truth-telling mechanisms about the recent past was initiated in September 2005 as a CSO initiative by three human rights organizations: the Humanitarian Law Center (Serbia), Documenta (Croatia) and the Research and Documentation Center (Bosnia and Herzegovina), and with participation of experts from the International Center for Transitional Justice. In 2008 the initiative developed into a project proposal to establish a regional commission for truth seeking and truth telling about war crimes and other serious violations of human rights in the former Yugoslavia.

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85 Government of the Republic of Serbia, *National Action Plan to Implement United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010—2015)*, 49.

86 Staša Zajović, *Women, Peace, Security Resolution 1325 – 10 years*, (Belgrade: Women in Black, 2010), 155.

87 Maja Bjeloš and Tamara Skrozza, *Independent Report on Implementation of NAP for UNSC Resolution 1325 in Serbia*, (Belgrade: Belgrade Center for Security Policy, 2013), 15, accessed December 16, 2014, [http://www.bezbednost.org/upload/document/independent\\_report\\_on\\_implementation\\_of\\_nap\\_for\\_un.pdf](http://www.bezbednost.org/upload/document/independent_report_on_implementation_of_nap_for_un.pdf).

88 Bjeloš and Skrozza, *Independent Report on Implementation of NAP for UNSC Resolution 1325 in Serbia*, 13.



In the debates, civil societies decided that a regional commission, called RECOM (Regional Commission for Establishing the Facts about War Crimes and Other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia during the period 1991-2001), should be an interstate commission that would, among other things, draw up an individualized list of civilians, soldiers and police officers who lost their lives in the wars and in connection with them during the period from 1991 to 2001. Accompanied with a list of detention places and names of persons who were unlawfully detained, as well as persons who were subjected to torture.

Another CSO initiative focused on dealing with the past in the Former Yugoslavia is the regional women's groups' project Women's Court-Feminist Approach to Justice, started in 2010. The Initiative Board (IB) currently includes members from 10 organizations, from all Former Yugoslav countries.<sup>89</sup>

Due to the inadequate institutional response to the SGBV not only in Serbia, but in the whole region, women's groups decided to establish Women's Court for the Former Yugoslavia. Women's Court (WC) will be a space for women's voices and women's testimonies about the injustices suffered during the wars and today. The WC will deal with violence committed during and after the 1990s. Furthermore, one of the key goals of the WC will be to encourage the creation of different feminist concepts of responsibility, care and security, in order to build sustainable peace in the region.<sup>90</sup>

## **RATING: Slight progress**

### **Indicator 9 – Percentage of women (versus men) who receive economic packages in conflict resolution and reconstruction processes**

Peace processes that ended the wars in ex-Yugoslavia (*Dayton peace accords* and *Kumanovo military-technical agreement*) did not contain any provisions related to the implementation of DDR programs and economic packages in the territory of the Republic of Serbia. In the Brussels agreement, signed in April 2013, there were likewise no provisions regarding DDR programs and economic packages for women, or any other similar activity.

#### **Economic assistance provided to veterans of war**

To date, there have been no state-organized reintegration and rehabilitation programs. Existing programs and activities are conducted by associations of victims of the wars (veteran associations).

Different institutions provide funding to different activities of veteran or civil society associations of victims, some of which are related to "economic assistance" and providing economic packages.

On August 2013, the Office for Kosovo and Metohija supported 15 projects of veteran associations

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89 Following women's organizations include: from *Bosnia and Herzegovina*: Mothers of the Enclaves of Srebrenica and Zepa, Women's Forum, Foundation CURE; from *Croatia*: Centre for Women's Studies, Centre for Women War Victims – ROSA; from *Kosovo*: Kosovo Women's Network; from *Macedonia*: National Council for Gender Equality; from *Montenegro*: Anima; from *Slovenia*: Women's Lobby Slovenia; from *Serbia*: Women's Studies and Women in Black.

90 More on Women's Court-Feminist Approach to Justice regional project at: <http://www.zenskisud.org/en/index.html>.



in the area of “sustainable return and survival” to Kosovo and Metohija, in a total amount of EUR €118,552.37. Some of these projects provide free legal aid, economic assistance to veterans, etc.<sup>91</sup> However, information about the proportion of this assistance granted to women is not available. Since 2010 the reports regarding the use of these resources and distribution of economic assistance to the veterans have never been made public, the spending of the funds is non-transparent. Therefore, it is not clear if any economic packages were distributed as part of this activity, and what percentage of them was given to women.

In 2014, the Ministry of Labor, Employment, Veteran and Social Policy sent reports on the implementation of eight (out of ten) associations that deal with psycho-social and economic rehabilitation of veterans, that were funded by the Ministry in 2013. According to the Ministry of Labor, Employment, Veteran and Social Policy in 2013 ten projects of the veteran civil society organizations were awarded with an overall sum of EUR €43,550 for the programs of psycho-social and economic rehabilitation of the veteran population.<sup>92</sup> However, the analysis of the financial and narrative reports that associations reported to the Ministry showed that the sum is incorrect, because some associations spent on the project more than it was awarded to them by the Ministry. According to the titles of the projects that are awarded, the projects are mainly about assistance and support to war veterans and disabled in the areas of geronto-geriatric care, social-economic inclusion, rehabilitation and healing treatments (mainly going to spas), sport activities and competitions, public debates on consequences of wars, traumas, education, brochures on post-traumatic stress disorder. The framework of the duration of projects ranges from 2 - 6 months.

In 2014, the Assembly of the City of Belgrade awarded EUR €51,613,669.72 to ten veteran associations for projects of public interest in the field of veterans’ disability protection. The projects will be finished by the 31<sup>st</sup> of December, 2014 and amounts given vary from EUR €1,719.84 EUR to EUR €7,739.29.<sup>93</sup>

The NAP for the implementation of UNSCR 1325 contains an activity: “Encouraging and financing the programs of reintegration and rehabilitation of men and women who took part in armed conflicts.”<sup>94</sup> According to the Report of the Political Council on the implementation of the National Action Plan to Implement United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010—2015) in the period from 2010 – 2013 this activity so far has not been implemented.

### **Temporary reimbursement packages given to IDP women**

According to the Decision of the Government, since 2003 the IDP population living in Serbia is entitled to receive “temporary reimbursement” because of their status.<sup>95</sup> This reimbursement is small and not enough to cover food for one person per month.

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91 Government of the Republic of Serbia, Office for Kosovo and Metohija, accessed July 18, 2014, <http://www.kim.gov.rs/download/odluka%20O%20DODELI%20SREDSTAVA%20OCD.pdf>.

92 Reply of the Ministry of Labor, Employment, Veteran and Social Policy, No. 07-00-360/2014-15.

93 The Assembly of the City of Belgrade, *Approved funds for the protection of war veterans*, (Belgrade, April 11, 2014, accessed December 16, 2014, <http://www.beograd.rs/cms/view.php?id=1596048>).

94 The Government of the Republic of Serbia, *National Action Plan to Implement United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010—2015)*, 48.

95 Government of the Republic of Serbia, Decision No.553-12609/2002-002, 02/09/2009.

**Table 9.1: Users of the temporary reimbursement for internally displaced from Kosovo and Metohija 2009 - 2013**

Year	Average amount of temporary reimbursement in EUR		Number of persons			%
	Net	Brutto	Total persons	Women	Men	% of women receiving the reimbursement
2009	83,73	126,78 <sup>4</sup>	21,484	7,580	13,904	35.3%
2010	84,14	127	20,702	7,277	13,425	35.2%
2011	84,33	127,75	19,975	6,958	13,017	34.8%
2012	84,15	127,82	19,118	6,649	12,469	34.8%
2013	84,16	131,52	18,077	6,222	11,855	34.4%

Source: National Service for Employment, July 2014.

<sup>4</sup> For comparison, average salary in Serbia in 2009 was around EUR 300, while in 2014 it is around EUR 410.

As we can see from the numbers displayed in the table above, only 10 percent of the overall population of IDPs living in Serbia receives reimbursement. Also, the number of men receiving the reimbursement is almost double the number of women. There are several reasons for this. First, the conditions for eligibility for the reimbursement, defined by the Government. Second, the position of women in Kosovo society, and the deeply rooted patriarchal family model and division of gender roles which is emphasized within the IDP population.<sup>96</sup>

To conclude, from the information provided above the Republic of Serbia transferred the responsibility of dealing with consequences of wars and rehabilitation and reintegration programs of ex-combatants and their families, including the distribution of economic support and packages, to the associations of war veterans. Projects of the associations **lack sustainability**, giving the State is awarding funding on yearly basis; they **lack connection with other peace building processes** since they are done solely by associations that are limited to only their projects and activities; they **lack gender approach** since according to the data that we obtained, none of the awarded projects in 2013 and 2014 deal particularly with women as former combatants, family members of combatants, etc. The **quality of the programs is questionable** since the **funding is non-transparent**; information provided by the institutions does not match narrative and financial reports of the associations. Institutions do not make information on economic and psycho-social rehabilitation public. So far, there has not been any reports or analysis on achieved results for years of funding veteran associations to work in the area.

**RATING: No change**

<sup>96</sup> Marijana Stojcic and Dragana Petrovic, *Paradoxes of Equality: The research on the functioning of institutions in Serbia in tackling the problem of internally displaced persons*, 2014, 26

## C. Promotion of a gender perspective

### **Indicator 10 – Number and percentage of pre-deployment training and post-deployment programs for military and police incorporating UNSCR 1325, UNSCR 1820, international human rights instruments and international humanitarian law**

The education of the personnel of the security sector on gender equality-related topics was a key segment of the Serbian NAP. Among the numerous goals envisaged in the NAP, education is seen as one of the priorities for the coming period. The priority would not only be to educate institutional bodies, and establish gender equality mechanisms within the system, but also to educate the management.

Topics from the field of gender equality have been integrated into educational plans and the curricula of military educational institutions at all levels (Military Grammar School, Military Academy, Command-Staff and General-Staff professional development). The protection of girls from all forms of violence in armed conflict and emergency situations is one of the lecture topics within the scope of the International Humanitarian Law course taught in the first year of the Military Academy. In addition, one module on gender equality was introduced in each of the Sociology, Ethics, Human Resources Management, and Defense Law courses.

The topics referring to the application of International Humanitarian Law in the context of protection of women and girls from violence in conflict and post-conflict situations, are an integral part of the training delivered to the members of the MoD and Serbian Armed Forces, as part of the preparation for participation in UN multinational operations. In addition to this, gender-sensitive issues are the topic of a specialist course on gender in multinational operations, delivered as part of the training at the Centre for Peacekeeping Operations of the Serbian Armed Forces (CMO). So far, three special courses on different topics were organized in 2012, 2013 and 2014. The first specialist course for gender advisors to national contingent commanders in peacekeeping missions took place on April 6<sup>th</sup>, 2012.<sup>97</sup> The first course was followed by a specialist course on gender in multinational operations for the members of the Ministry of Defence and the Ministry of Interior, organised in April 2013 and 2014.<sup>98</sup> All three courses are delivered to everyone who will be deployed in the MNO.

The courses are taught in accordance with the UN Standardized Generic Training Module for multinational operations. Their goal is to ensure gender mainstreaming into the process of planning and implementation of tasks and activities in multinational operations, and to provide a better understanding of gender needs and the problems faced by the local populations in host countries. The topics studied include: "Prevention of sexual exploitation and abuse," "Gender equality in the MNO," "Gender issues," etc.

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<sup>97</sup> The course took place on 1 – 5 April 2013. See more details about the course at: [http://www.vs.rs/index.php?news\\_article=3c852caa-9ac0-11e2-a05a-00163e135009](http://www.vs.rs/index.php?news_article=3c852caa-9ac0-11e2-a05a-00163e135009).

<sup>98</sup> First course for the training of gender advisors to national contingent commanders in peacekeeping missions took place on 2 – 6 April 2012. The goal of the first course was to train professional soldiers, military staff and civil servants, as well as police officers, to play the role of gender advisors in multinational commands and general staffs of national contingents in multinational operations, in accordance with UN, EU, and NATO standards. See more details at: [http://www.vs.rs/index.php?news\\_article=c4c0475c-ce10-102f-8d2f-000c29270931](http://www.vs.rs/index.php?news_article=c4c0475c-ce10-102f-8d2f-000c29270931)

Besides military and police officers and civilian staff, the courses were open to representatives of the academic community who follow, or are involved in multinational operations. Therefore, the training was also completed by the members of the Criminology-Police Academy, the Faculty of Security and the Faculty of Political Studies of the University of Belgrade.

The courses were unique, as experts from CSOs appeared, for the first time, in the role of lecturers and trainers, in addition to representatives of the security sector. This specialist gender course has been included into the Annual Plan for MoD and SAF Curriculum.

In addition to this special gender course, as part of the immediate preparations for a concrete mission, the CMO delivers training on "Gender issues," which consists of two classes of 45 minutes each. As well as training on "Rules of conduct and relations in the MNO multinational environment," consisting of a one hour lecture.

**Table 10.1: List of pre-deployment training courses in Peacekeeping Operations Centre<sup>99</sup>**

2013					
Title of the course	Duration (days)	Topics from the field of gender equality	No. of units and duration	No. of women	No. of men
Peace Support Operations Staff Officer and Non-Commissioned Officers Orientation Course	10	Human rights and MNO	1 (45min)	3	29
		Civil protection in MNO	1 (45min)		
		Gender awareness and gender issues in MNO	1 (45min)		
Gender in PSO Course *	5	Gender and MNO	6 (270 min)	11	17
		Implementation of gender perspective in military operations	4 (180 min)		
		Gender issues and military missions	15 (675min)		
Multinational Staff Officers Course (MSOC 14)	15	Gender issues	2 (90min)	-	25
Course for Trainers on the Law of Armed Conflict	10	Basic and legal obligations from the Law of Armed Conflict	3 (135min)	-	16
UN Military Observers Course	NOT PLANNED				
Basic Multinational Operations Course **	10	Gender issues	1 (45min)	10	24
		Position of UN on specific features in peacekeeping operations	2 (90min)		
United Nations Logistics Officers Course	NOT PLANNED				

99 Serbian Armed Forces General Staff Joint Operations Command Peacekeeping Operations Center, Course Catalogue 2014, accessed July 8, 2014, [http://www.vs.rs/content/attachments/Katalog\\_kurseva\\_2014.pdf](http://www.vs.rs/content/attachments/Katalog_kurseva_2014.pdf).

2014					
TITLE OF THE COURSE	DURATION (days)	TOPICS FROM THE FIELD OF GENDER EQUALITY	No. of units and duration	No. women	No. men
PSO Staff Officer and NCO Orientation Course	10	Human rights and MNO	1 (45min)	1	26
		Civil protection in MNO	1 (45min)		
		Gender awareness and gender issues in MNO	1 (45min)		
Gender in PSO Course	5	Gender and MNO	8 (360min)	6	22
		Gender equality mechanisms	5 (225min)		
		Gender issues	10 (450min)		
		Human rights and civil protection in MNO	1 (45min)		
Multinational Staff Officers Course (MSOC 14)	15	Gender issues	2 (90min)	-	23
Units Personnel Training Course	5	LISTED COURSES WILL BE IMPLEMENTED FROM SEPTEMBER 2014			
Course for Trainers on the Law of Armed Conflict	10				
UN Military Observers Course	15				
Basic Multinational Operations Course	10				
United Nations Logistics Officers Course	10				

Source: Course Catalog 2014

\* 5 representatives of Ministry of Interior attended the course.

\*\* 5 representatives of Ministry of Interior attended the course "Basic course for participation in Multinational Operations"

**RATING: Moderate progress**

## Indicator 11 – Allocated and disbursed funding marked for women, peace and security (WPS) programs to CSOs and government

### Serbian Government to CSOs

According to the Serbian Law on Associations the term "associations of the citizens" (*civil society organization or non-governmental organizations*) incorporate a huge number of different associations, who are working in the private, community and public interest (including religious communities, political parties, sports and youth associations), which is the main criterion to apply for the government funds (line 481).<sup>100</sup>

<sup>100</sup> The Official Gazette of Republic of Serbia, No. 27/99.

The Serbian tax laws do not include provisions for direct tax deductions of donations given by companies to associations of citizens. The amendments to the Corporate Profit Tax Act adopted in 2013 did not include the CSOs' suggestions to expand the list of tax-deductible activities to include the promotion and protection of human rights, promotion of democratic values, fight against corruption, EU integration, gender equality etc.<sup>101</sup>

The funds given to women's NGOs are very small, and do not even allow for the sustainability and the continuity of their work. The conditions of distributing the funds are non-transparent. At the same time, many women's organizations have major financial problems.<sup>102</sup> Also, some grassroots organizations, including Women in Black, do not receive (or accept) funds from the state, because of their critical and independent position.<sup>103</sup>

The Serbian National Action Plan (NAP) states that "the funds for the implementation of activities identified by the NAP to UNSCR 1325 (2010—2015) will be provided by the Ministry of Finance of the Republic of Serbia, based on the annual plans and expressed needs of the relevant ministries/directorates/agencies in the security sector."<sup>104</sup>

According to the *Law on budget of the Republic of Serbia* for 2014 there were no allocations for the implementation of UNSCR 1325 specifically, which was also the case in previous years.

According to the *Report of the Political Council on the implementation of the National Action Plan to Implement United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010—2015) in the period from 2010 – 2014*, the activity within the NAP to provide funding from the budget of Serbia was not implemented. Moreover, judging by the content of the aforementioned report all activities carried out so far regarding the UNSCR 1325 were funded solely by foreign donors.

The Government Office for the Cooperation with Civil Society Organizations publishes annual reports on allocation and distribution of government's funds to the civil society organizations (CSOs) in Serbia. *The annual report for 2013 is still in the preparation process*. In available reports from previous years, there is no adequate statistics on gender allocation of the government budget.

According to the Second Annual Report for 2012 (2013), in the area of human and minority rights, only 17 projects were supported, and in the area of anti-discrimination only 22 projects were financially supported by government.<sup>105</sup> With regards to WPS programs, there is no official data in the annual report on government funds allocated and distributed to CSOs and women's organizations, who work on peace activism.<sup>106</sup>

According to the First Annual Report (2012), in 2011, the institution to which the highest amount of funds was allocated was the Ministry for Youth and Sports, which have participated in over one third (34.1 percent) of the annual funds allocated for financing the associations and other

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101 Belgrade Centre for Human Rights, *Human Rights in Serbia – A Comprehensive Report for 2013*, , 50.

102 ASTRA, Voice of Difference, Women in Black, Labris and Autonomous Women's Center, *Shadow over Serbia - NGO Report for the 55th CEDAW Committee Session 2013*, 11.

103 The state institutions are also not keen on giving funds to women grassroots organizations since they are often critical towards the government policies in area of human and women's rights protection, human security, transitional justice and violence against women.

104 Government of the Republic of Serbia, *National Action Plan to Implement United Nations Security Council Resolution 1325 – Women, Peace and Security in the Republic of Serbia (2010—2015)*, 21.

105 Government of the Republic of Serbia, Office for the Cooperation with the Civil Society, *Annual Summary Report on Budget Expenditures Provided to the Associations and Other Civil Society Organisations from the Budget of the Republic of Serbia in 2011*, (Belgrade, 2012), 48-49.

106 According the internal questionnaire sent to the women's organizations dealing with WPS programs, they stated that there have neither applied or received any funds from government for WPS programs.



civil society organizations. By contrast, in the same year only 5 percent of the funds were directed to the activities of protection and promotion of human and minority rights. Ministry for Human and Minority Rights, Public Administration and Local Self-Government answered throughout the Questionnaire that in 2011 they did not receive any allocations.<sup>107</sup>

Types of CSO projects supported from the local budget through public announcement in 2011 can be seen in Table 11.1. Around one-third of the projects are in the area of culture, sport and education of youth (31.03 percent); the next largest group are the projects for local social protection services (24.07 percent).<sup>108</sup> Human and minority rights related projects were allocated only slightly more than 5 percent of the total budget. Women, peace and security projects are not included in this disaggregation.

**Table 11.1: Types of CSOs projects supported from local budgets through public announcement during 2011**

	Type of the project	Number	%
1	Culture, sport and education of youth	18	31.03%
2	Local social protection services	14	24.07%
3	Inclusion of the children with disabilities	7	12.07%
4	Environmental protection	5	8.63%
5	Human and minority rights, interethnic tolerance	3	5.17%
6	Roma social inclusion (education, health, employment, housing)	2	3.45%
7	Local economic development	1	1.7%
	Other	8	13.79%
<b>Total:</b>		<b>58</b>	<b>100.00%</b>

Source: TACSO, Transparency in spending local public funds (481 budget line) for SCO activities, Belgrade, 2011.

The Ministry of Defence is the only government institution that reports allocation specifically for women, peace and security programs.

**Table 11.2: Amount of funding marked for women, peace and security programs (WPS) of Ministry of Defence in RSD**

	2012	2013	The first half of 2014
<b>Percentage of total MoD budget dedicated to WPS</b>	450,000.00	450,000.00	Not Available
<b>Percentage of total MoD budget spent for WPS</b>	54,643.00	95,757.00	29,395.00

<sup>107</sup> TACSO, Transparency in spending local public funds (481 budget line) for SCO activities, Belgrade, 2011, p. 11.

<sup>108</sup> Ibidem.

## Funding received by CSOs from external donors

**Table 11.3: Allocated and disbursed funding marked for women, peace and security programs (WPS) to CSOs in 2014<sup>109</sup>**

CSO	Donor country/ entity	Purpose	Amount received for WPS	Percentage of total CSO budget dedicated to WPS
Women of the South	MATRA Embassy of the Kingdom of Netherlands	Localization of the UNSCR 1325	€42,201	59 %
Association Dea Dia	Global Network of Women Peacebuilders	Monitoring of the implementation of the UNSCR 1325	€3,878	100 %
	UN Women	Presentation of the Monitoring of the implementation of the UNSCR 1325 in New York		
Women for peace	Kvinna till Kvinna	Training of the Local security council and Gender equality board on UNSCR 1325 and localization	€2,000	6.64 %
Autonomous Women's Center Women in black	Embassy of the United States of America through Global Women Peace and Security Initiative of the State Department	Gender perspective of human security	\$93,043	10%
<b>Total:</b>			<b>€48,079 \$93,043</b>	

UN Women is the biggest donor of civil society on women, peace and security programs in the Republic of Serbia. In 2011/2012, UN Women supported eight women CSOs, and in 2012/13, UN Women supported four CSOs that work under Women in Black Network in monitoring the implementation of UNSCR 1325. UN Women also supports a think-tank – BCSP – that also monitors the implementation of UNSCR 1325 but from a different perspective than that of Women in Black. Unfortunately, the project “Advancing implementation of UN SCR 1325 on Women, Peace and Security in Western Balkans (2011-2013),” supported financially by the Government of Norway has ended in December, 2013 and UN Women has not had significant follow-up activities in that WPS area in 2014, due to lack of funds.

In order to acquire more accurate information for these research, the questionnaires on donations of international donors awarded to CSOs for women, peace and security programs (WPS) were sent to 19 donors/embassies and 15 women's NGOs from the whole Serbia. Only one donor, the United Nations Development Program, and one CSO (Women for Peace from Leskovac), provided information on allocations to the government for WPS and one women's CSO.

<sup>109</sup> Information provided by Serbian CSOs.

To conclude, donors as well as civil society organizations are not transparent regarding their funding for women, peace and security.

**RATING: No change**



## Conclusion and Recommendations

### Conclusion

While there has been some progress in terms of democratic governance reform, the changes that took place in the government since 2012 affected women's rights in general. Lack of democratic continuity can negatively influence the implementation of the policies and practices that are currently in place, and which should be strengthened further.

In terms of women's participation in decision-making, there has been little progress. Women constitute less than 30 percent of the newly elected government. Their participation is particularly weak in the security sector, and in peacekeeping missions. The main challenges to women's participation are the patriarchal stereotypes about women, resulting in their assignment to traditionally "female" committees and positions, and the role of women as primarily responsible for their households, which makes it difficult for them to leave their family in order to participate in a peacekeeping mission. The inclusion of gender-related topics in the trainings for security sector and peacekeeping personnel is an important step forward and might open the door for greater inclusion of women. However, the effects of the trainings are yet to be seen.

There has been some progress with regards to women's participation, in particular in the legislature. Women also hold some high-profile posts, such as the Speaker of the Parliament, the President of the Constitutional Court and the Chief Negotiators in the EU Accession talks. However, this progress is not reflected in a greater representation of women's issues, or greater gender equality. This is largely due to the fact that the women in power often simply follow their party line. Women's rights activists and CSOs are marginalized. That was the case even in the planning and implementation of the NAP, since they were admitted to the official process in a limited, advisory role. The funds given to women's organizations by the government are also very small.

The persisting problem in Serbia is the failure to deliver justice to the victims of SGBV that took place during the conflict. Prosecution of war crimes, including SGBV crimes, in Serbia has been very slow and unsatisfactory, and there is no data available on the number and progress of SGBV prosecutions before the War Crimes panel of the Higher Court in Belgrade. Moreover, there has been no progress on delivering reparations to SGBV victims.

Despite the fact that Serbia has signed and ratified numerous international conventions on human rights, and adopted national laws and strategies for gender equality and against gender-based violence, the implementation of these strategies is very poor, and the problems they seek to address still persist. The government needs to take steps to amend this situation.

## Recommendations

### To Government:

- Increase participation of women in the security sector institutions, especially on operational posts and in leadership positions by applying affirmative temporary measures;
- Carry out research in the military and the police in order to examine the reasons why women do not apply to go on peacekeeping missions;
- Include more experts on gender and security issues from CSOs, especially women's CSOs, as speakers or lecturers at the pre-deployment and post-deployment trainings;
- Include women, in particular internally displaced women, in the implementation of the Brussels agreement between Kosovo and Serbia and any further communication between the two sides;
- Include women's CSOs in the implementation and revision processes of the NAP for the UNSCR 1325 and dedicate a specific budget for the NAP both at the national and local level.
- Take steps to make domestic prosecutions of war crimes, including SGBV during the war, more effective;
- Adopt the proposed new Law on Civilian Victims of War, which would acknowledge the rights of all the citizens of Serbia who have been victims of war crimes and other serious violations of human rights related to the wars of the 1990s;
- Establish special medical protocol for the victims of rape and guarantee specialized services that would provide psychological support to the victims, in order to help them overcome the trauma;
- Harmonize gender-responsive laws and bylaws (strategies and national action plans) and establish reporting mechanisms for their implementation;
- Allocate sustained resources from the government budget to the implementation of gender-responsive laws and bylaws;
- Support the establishment of the RECOM and the "Women's Court" project;
- Institutionalize programs of reintegration and rehabilitation for male and female ex-combatants and their family members;
- Establish programs of psychosocial support for women and girl refugees and IDPs, as well as educational programs on health and violence against women under the existing system of social and health services;
- Empower unemployed women and girls among refugees and IDPs through programs of the National Employment Service and programs of other institutions and organizations, paying special attention to the employment of Roma women among this population;
- Increase the amount of hours dedicated to topics in the field of gender equality at all levels of education in the security sector;
- Distribute substantial and sustained resources, to support work of CSOs, especially women's organizations who are dealing with VAW and WPS programs;

## **To the UN:**

- Ensure full participation of women's organizations in all activities, funded by the UN, regarding the implementation of the NAP for UNSCR 1325 in the Republic of Serbia.
- Continue to support women's CSOs in monitoring the implementation of the NAP for UNSCR 1325 in the Republic of Serbia.
- Support the revision process of the NAP for UNSCR 1325 and ensure full participation of women's CSOs in this revision.

## **To civil society:**

- Continue advocacy for the institutionalization of the engagement of CSOs in the NAP implementation process, by including them in the formal NAP implementation bodies and mechanisms.

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